

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

(ECF)

NEW JERSEY SPORTS PRODUCTION, INC.,  
d/b/a MAIN EVENTS,

06 Civ. 1509 (HB) (JCF)

O R D E R

Plaintiff,

- against -

PANOS ELIADES, PANIX PROMOTIONS,  
LTD., PANIX OF THE U.S., INC.,  
BANNER PROMOTIONS, INC., DON KING  
PRODUCTIONS, INC.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/20/06

JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

Plaintiff having moved pursuant to Rule 37(a) of the Federal Rules of Civil Procedure for an order directing Banner promotions, Inc. ("Banner") to produce documents and provide interrogatory answers, it is hereby ORDERED as follows:

1. Disputes concerning Plaintiff's First Set of Interrogatories to Banner Promotions, Inc. are resolved as follows:

a. Banner shall provide the information sought in Interrogatory No. 1 to the extent that it seeks the names, addresses and occupations of any witness, and to the extent any answer is incomplete, Banner shall explain why it lacks the requested information. Banner shall further identify the subject matter of the relevant information known to each witness but need not catalogue the specific facts known. Banner shall produce copies of any written statements by such witnesses but not "copies of documents written by each such person" as the latter request is vague and overbroad.

b. Banner shall respond to Interrogatory No. 2 by providing the requested information about the custodian of any relevant documents. It may identify the documents by category and need not produce them absent a specific document request.

c. Banner shall provide all information requested in Interrogatory No. 8 except that sought in subpart (g), which is duplicative of subpart (f).

d. Banner need not respond to Interrogatory No. 10, which is in effect a premature contention interrogatory and, at any rate, is vague and overbroad.

e. Banner need not respond to Interrogatories 13, 14, or 15, which are premature contention interrogatories.

f. Banner need not respond to Interrogatories 21 or 23, as these requests contravene local civil rule 33.3. More importantly they also seek tangential impeachment evidence that is not generally subject to discovery. See E.E.O.C. v. First Wireless Group, Inc., 225 F.R.D. 404, 406 (E.D.N.Y. 2004).

2. Disputes concerning Plaintiff's First Document Demand to Banner Promotions, Inc. are resolved as follows:

a. Banner shall produce all documents responsive to Requests Nos. 10, 11, and 13.

b. Banner need not respond to Requests Nos. 17 or 18, as they are vague and overbroad.

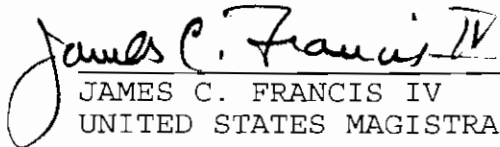
3. Banner need not respond to Plaintiff's Second Document Demand to Banner Promotions, Inc. both because it seeks tangential impeachment evidence and because it is vague and overbroad.

4. Banner shall produce all documents responsive to Plaintiff's Supplemental Document Demand Requests Nos. 1-10 insofar as they relate to conducting or transacting business in New York.

5. The information required to be provided by this Order shall be produced forthwith in unredacted form pursuant to the Protective Order separately issued today.

6. Banner's counsel may properly sign discovery responses, including interrogatories, as agent for Banner. See Shire Laboratories, Inc. v. Barr Laboratories, Inc., 236 F.R.D. 225, 227 (S.D.N.Y. 1996); Pontillo v. Federated Department Stores, Inc., No. 93 Civ. 1950, 93 WL 385727, at \*3 (S.D.N.Y. Sept. 29, 1993).

SO ORDERED.

  
JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York  
November 20, 2006

Copies mailed this date:

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